

Federal Hate Crimes

U.S. Attorney's Office
District of Connecticut

Federal Civil Rights Enforcement

- Hate Crimes
- Color of Law Prosecutions
(Law Enforcement Misconduct)
- Civil Enforcement

Protected Grounds

- Race
- Religion
- Ethnicity
- Gender/gender identity/sexual orientation
- Disability

Federal Hate Crimes

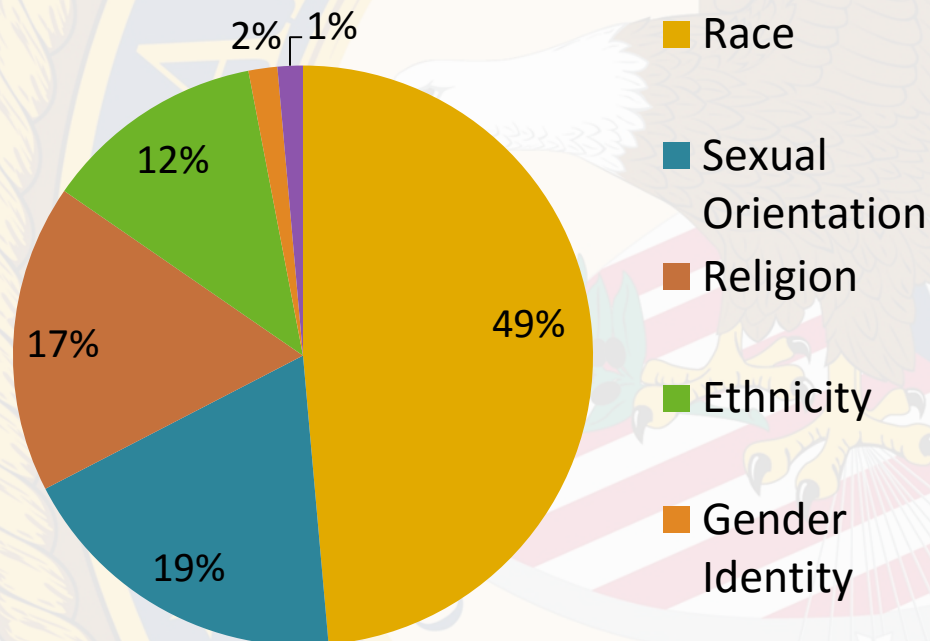
- Violence against persons or property
- Motivated by bias based on
 - Race
 - Religion
 - Ethnicity
 - Gender/gender identity/sexual orientation
 - Disability
- Examples: Vandalism, Arson, Threats, Assaults

FBI Uniform Crime Reporting 2014: 6,727 Victims Nationwide

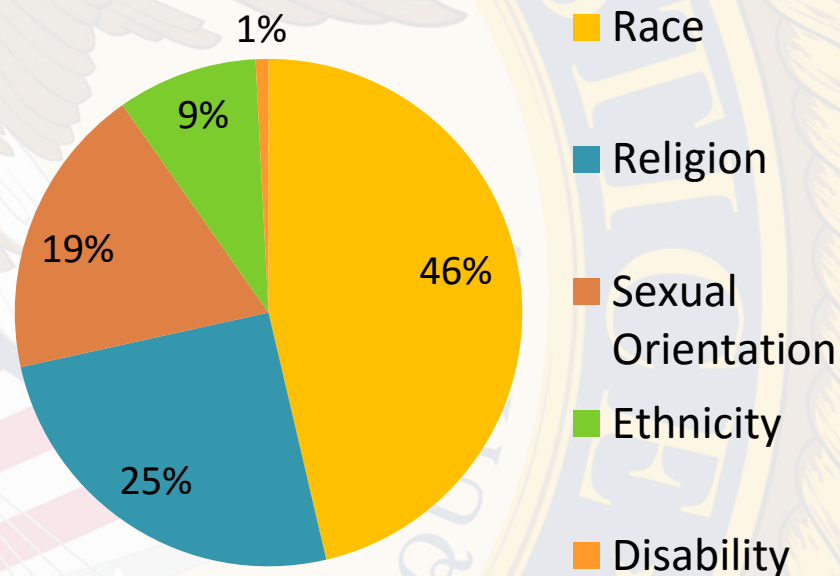
- 95 Agencies in Connecticut Participated in Reporting
- 54 Connecticut Agencies Submitted Incident Reports
- 123 Incidents Reported in Connecticut

FBI 2014 Report: Bias Motivation

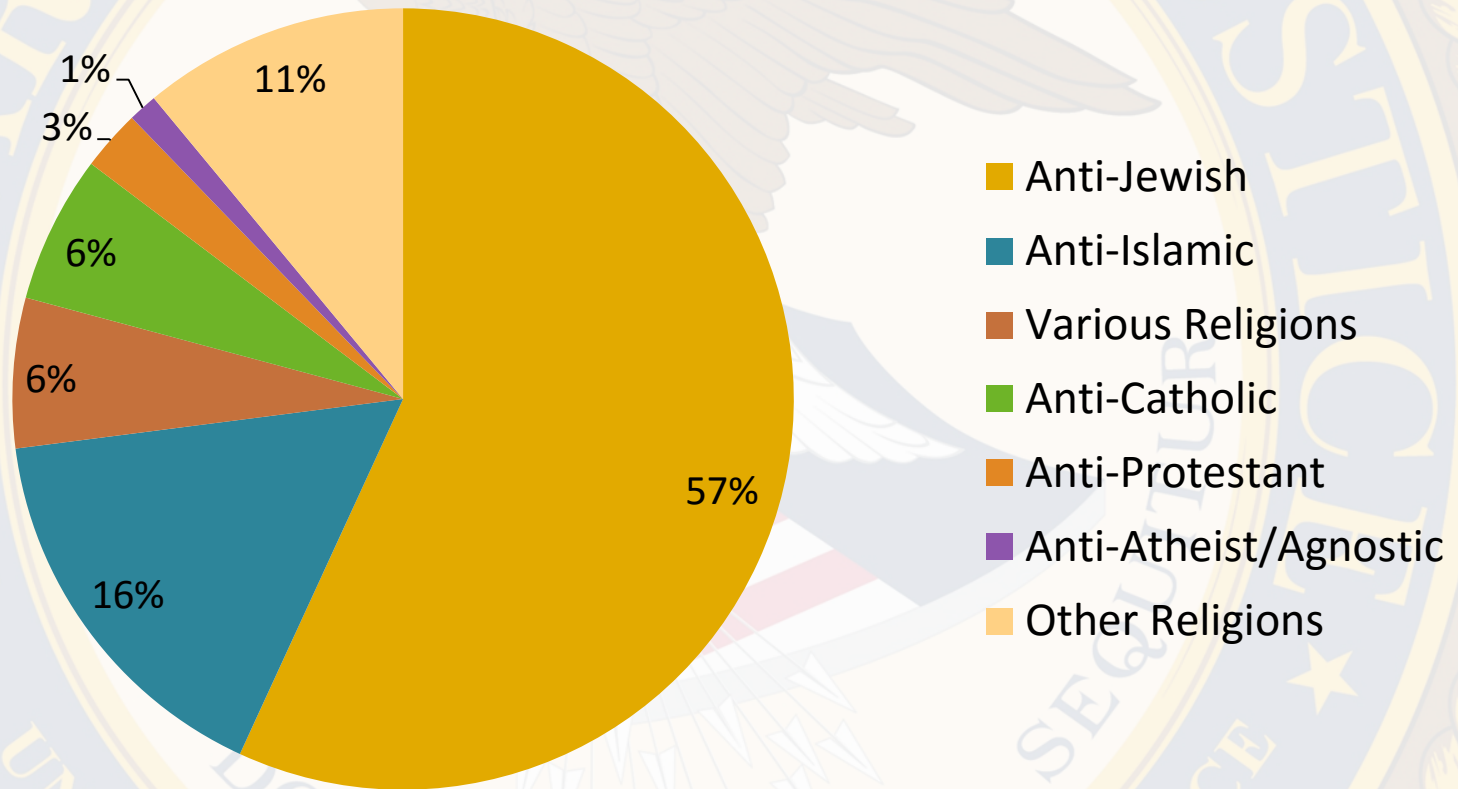
National



Connecticut



FBI 2014 Report: Religious Bias



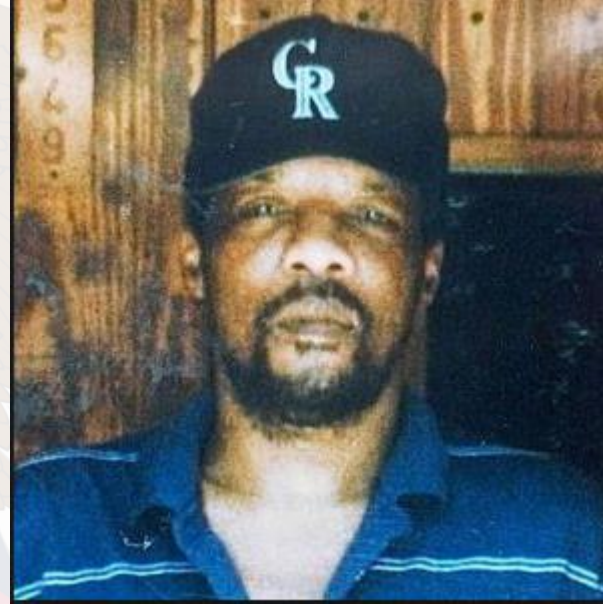
Federal Hate Crimes Laws

- Shepard/Byrd Hate Crimes Act
- Damage to Religious Property
- Obstruction of Free Exercise of Religion
- Interference with Federally Protected Activities
- Interference with Housing Rights

Matthew Shepard and James Byrd



1976-1998
Laramie, Wyoming



1949-1998
Jasper, Texas

At the time of these attacks, Wyoming did not recognize gay individuals as a protected class, and Texas had no hate crimes law at all.

Shepherd/Byrd Act of 2009

- Expanded the 1969 hate crimes law to include crimes motivated by the victim's actual or perceived gender, sexual orientation, gender identity, or disability
- Removes the prerequisite that the victim be engaged in a federally protected activity at the time of the crime
- Gives federal authorities greater ability to investigate hate crimes that local authorities do not pursue
- Requires FBI to track statistics for hate crimes based on gender and gender identity (in addition to other groups that were already tracked)

Shepard/Byrd Act – “Racial” Crimes

- Intentionally cause bodily injury OR
- Attempts to cause bodily injury through fire or dangerous weapon
- Because of race/color/religion/national origin
- Sometimes requires proof of effect on interstate commerce
- Maximum penalty: Generally 10 years
- Up to life imprisonment if death results or offense includes kidnapping or sexual abuse

Interstate Commerce

- Subject used weapon that traveled in interstate/foreign commerce
- Subject or victim crossed state lines/international boundaries in connection with offense (out-of-state congregants)
- Crime occurred in a train station, bus depot, interstate highway

Cases Around the Country

- Arkansas, 2010
 - 3 defendants called 5 Hispanic men “beaners” and “wetbacks” and said “You Mexicans need to go back to Mexico.”
 - Defendants drove the victims’ car off the road, causing car to flip and start on fire, and resulting in severe injuries to the victims.
 - Driver sentenced to 11 years and 3 months in prison; cooperator sentenced to 4 years in prison

Cases Around the Country

- New Mexico, 2010
 - Three men branded swastika into arm of mentally-disabled Navajo man before shaving the symbol into his head and using markers to scrawl KKK and white supremacist messages and images on his body
 - Sentences: 8.5 years; 5 years; 14 months



Cases Around the Country

- Kentucky, 2010
 - Gay man kidnapped and severely beaten by men shouting anti-gay epithets after being lured into truck under false pretenses
 - Victim suffered extensive bruises, a torn and bloody ear, and had boot prints on his face
 - Sentences: 30 years; 17 years; 8 years, 4 months; 8 years

Department of Justice
U.S. Attorney's Office
Western District of Washington

FOR IMMEDIATE RELEASE

Tuesday, December 10, 2013

Washington State Man Sentenced in Federal Hate Crime for Attack on Sikh Man

Defendant Beat Victim Leaving Lasting Injuries

WASHINGTON – The Justice Department announced today that U.S. District Court Judge John C. Coughenour sentenced Jamie Larson in connection with the racially-motivated assault of a 50-year-old Sikh man. Larson, 50, who pled guilty to one count of violating the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, was sentenced to 40 months incarceration. Judge Coughenour said the sentence should send the message that this kind of conduct “is absolutely unacceptable.... Larson used the most disgusting, ugly and racist language that I have heard in 30 years on the bench.”

According to information presented in court, the victim, a taxi driver, drove an intoxicated Larson to a private residence in Federal Way, Washington on October 17, 2012. After arriving at the residence, Larson grabbed the victim by his beard, and struck him in the face and shoulder many times before pushing him to the ground. Larson then repeatedly stomped on the victim's stomach. During the incident, Larson called the victim a “raghead” and a “towelhead.” He also screamed various comments to the victim, such as “what are you doing here?” and “why did you come to my country?” Larson admitted that he attacked the victim, who is from India and a follower of the Sikh religion, because Larson believed the victim was of Middle Eastern descent or ethnicity.

Damage to Religious Property

- Intentional defacing, damaging, or destroying of religious real property because of the religious character of that property (or attempt) OR
- Intentional obstruction, by force or threat of force, of any person in the enjoyment of that person's free exercise of religious beliefs (or attempt)
- In interstate commerce
- Penalty: max 1 year unless dangerous weapon involved (20 years); bodily injury (40 years); death, kidnapping, or sexual abuse (life)

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

GRAND JURY N-15-3

FILED

2015 DEC 21 PM 1 37

UNITED STATES OF AMERICA

CRIMINAL NO. 3:15CR-232-MPS

v.

VIOLATIONS:

TED HAKEY, JR.,

Title 18, U.S.C., Section 247(a)(1) & (d)(3)
(Damage to Religious Property)

Defendant.

INDICTMENT

The Grand Jury charges:

COUNT ONE

1. At all times relevant to this Indictment, the Baitul Aman Mosque, which is the only Ahmadiyya Mosque in Connecticut, was located in Meriden, Connecticut, and was a religious place of worship.

2. The Baitul Aman Mosque belongs to a national organization of Ahmadiyya Muslims headquartered in Silver Spring, Maryland. The Baitul Aman Mosque is funded primarily with donations from members, which are then sent to the Ahmadiyya Muslim Community, USA, national office in Silver Spring, Maryland. The national office operates a website, which in turn has an online bookstore, through which books can be purchased and shipped, and a job portal.

Spokane MAN FACES HATE CRIME CHARGES FOR VANDALIZING SIKH TEMPLE

des Jeffrey Pittman believed The Sikh Temple of Spokane was a mosque connected to terrorism.



The temple's Sikh holy book was defaced and pages were ripped from it.

Spokane Case – March 2016

Jeffrey C. Pittman, 44, who was arrested early Thursday morning, believed he was in an ISIS-affiliated mosque and told police that thought the building was on fire, according to court documents.

He was naked and holding two ceremonial swords when deputies arrived. Pittman told deputies that he removed his clothes and soaked them in water because he believed the building was on fire. He also discharged two fire extinguishers, according to court documents. Pittman said he had flashbacks of being in a fire and believed the building was burning.

Pittman said when he entered the temple he "saw all the religious items and started thinking God hated him and had ruined his life."

Pittman was arrested and charged with first-degree burglary, second-degree malicious mischief and malicious harassment based on religious discrimination, which is basically Washington's version of a hate crime. His bond was set at \$150,000 during a brief court appearance Friday.

“ISIS-affiliated mosque”

Obstruction of Free Exercise of Religion

- “Whoever intentionally obstructs, by force or threat of force, any person in the enjoyment of that person’s free exercise of religious beliefs or attempts to do so...”
- Requires connection to interstate or foreign commerce
- Misdemeanor unless dangerous weapon is used (20 years max) or death/kidnapping involved (40 years max)

North Carolina Man Pleads Guilty to Using Force Against Muslim Woman to Obstruct Her Free Exercise of Religion on an Airplane

Gill Parker Payne, 37, of Gastonia, North Carolina, pleaded guilty today in the District of New Mexico to one count of using force or threat of force to intentionally obstruct a Muslim woman, identified as K.A., in the free exercise of her religious beliefs.

According to court documents, on Dec. 11, 2015, Payne and K.A. were on board a Southwest Airlines flight from Chicago to Albuquerque, New Mexico. K.A. was wearing a religious headscarf, known as a hijab. Payne was seated several rows behind K.A. on the airplane, and did not know her. Payne admitted that he saw that K.A. was wearing a hijab and was aware that it is a religious practice of Muslim women to wear a headscarf.

Payne further admitted that shortly before landing, but while still in-flight, he walked up the aisle to where K.A. was sitting and stopped next to her seat. Payne proceeded to tell K.A. to take off her hijab, stating something to the effect of, "Take it off! This is America!" Payne then grabbed the back of the hijab and pulled it all the way off, leaving K.A.'s entire head exposed. As a result, K.A. felt violated and quickly pulled the hijab back up and covered her head again.



Interference with Federally Protected Activities

- Education
- Employment
- Public Accommodation
 - E.g., Restaurant, hotel, store
- Use of state facility or program
 - Place maintained by state for benefit of public (e.g., public park)
- Facility of interstate transportation

Interference with Federally Protected Activities - Elements

- Willful
- Use of force or threat of force
- Because of a victim's protected characteristic
AND
- Because the victim was engaging in a federally protected activity

Cases Around the Country

- North Dakota, May 2016: Defendant threw a Molotov cocktail into Juba Coffee Shop, a Somali-owned business, because of the national origin of the owners and patrons
 - 15 year prison term
- Alabama, 2013: Defendant threatened an African-American man at a steakhouse because he was with a white woman and later that night painted graffiti on the restaurant
 - Nine month prison term

Criminal Interference with Right to Fair Housing

- Makes it a crime to use, or threaten to use, force to interfere with housing rights because of the victim's race, color, religion, sex, disability, familial status, or national origin

Cases Around the Country

- Idaho, 1997: Defendant threatened to kill African-American male and assault Native American female because he didn't like a mixed race couple visiting his friend's home
- Idaho, 1987: Defendant sent racially derogatory and threatening correspondence to a white woman who operated an adoption agency that was trying to place minority children



September 23, 2014

Utah Man Pleads Guilty to Federal Hate Crime for Threatening Interracial Family

WASHINGTON—The Department of Justice announced that Robert Keller, 70, pleaded guilty in the U.S. District Court for the District of Utah today to a federal civil rights crime related to interfering with the housing rights of three members of an interracial family because of the family member's races and because the family members were living in a home while associating with an African American family member in Hurricane, Utah.

During the plea proceedings, Keller admitted that on Dec. 30, 2013, he wrote a note to two Caucasian family members of an interracial family threatening to kill them if they did not make their African American family member leave their home. Keller admitted that he used threats of force to willfully intimidate and interfere with the two Caucasian family members because they were occupying a dwelling while associating with their African American family member.

Non-Civil Rights Statutes

- Use of Fire During Commission of a Felony
- Interstate Threats
- Crimes occurring on federal land
- Use of a minor to commit a crime of violence
- Felon in possession of a firearm
- Intent element different

Connecticut State Hate Crimes Laws

- Intimidation based on bigotry or bias
 - First degree felony require malicious act and serious physical injury (10 year max and \$10,000 fine)
 - Second degree felony (five year max and \$5,000 fine) requires malicious act and:
 - Making physical contact with victim
 - Damaging, destroying, or defacing property
 - Threatening to do these things where victim has reasonable cause to believe threat will be carried out
 - Third degree misdemeanor (one year max and \$2,000 fine) does not require malicious act but requires property damage or threats of property damage

Other State Laws

- Misdemeanors:
 - Deprive someone of legally-guaranteed right based on bias
 - Intentionally desecrate religious object, symbol, or house of worship
 - Place a burning cross on private or public property without written consent of owner
 - Above actions become felonies if person wears a mask or a hood
- Ridiculing of person because of bias is punishable by up to 30 days in prison or \$50 fine
- Court can require offender to participate in anti-bias crime education program

The background of the slide features a large, faint, light blue seal of the United States Department of Justice. The seal is circular, with a rope-like border. Inside the border, the words "DEPARTMENT OF JUSTICE" are written in a large, serif font at the top, and "OFFICE" is at the bottom. In the center of the seal is an eagle with its wings spread, perched on a shield with red and white stripes. The eagle holds an olive branch in its right talon and arrows in its left. Below the eagle, the Latin motto "QUI PRO DOMINA JUSTITIA SEQUITUR" is inscribed. The word "UNITED" is partially visible on the left side of the seal.

QUESTIONS?